

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

ADISCOV, L.L.C.

Plaintiff

V.

KROLL ONTRACK, INC., ENGENIUM CORPORATION, & INTERLEGIS, INC.

## Defendants

Case No: 2:07-cv-280-DF

## JURY TRIAL DEMANDED

**PLAINTIFF’S REPLY TO DEFENDANT**  
**KROLL ONTRACK, INC.’S COUNTERCLAIMS**

Plaintiff, Adiscov, LLC (“Adiscov”) hereby replies to Defendant Kroll Ontrack, Inc.’s (“Kroll”) Counterclaims (“Kroll’s Counterclaims”).

Plaintiff denies each and every allegation contained in Kroll's Counterclaims that is not expressly admitted below. Any factual allegation admitted below is admitted only as to the specific admitted facts, not as to any purported conclusions, characterizations, implications or speculations that arguably follow from the admitted facts. Plaintiff denies that Defendant Kroll is entitled to the relief requested or any other. Plaintiff responds to the specific allegations in Comcast's Counterclaims in accordance with the numbered paragraphs thereof as follows:

- 24. Plaintiff admits that in paragraph 24 of Kroll's Counterclaims, Defendant Kroll purports to incorporate by reference its allegations contained in paragraphs 1-23.
- 25. Plaintiff lacks sufficient knowledge to admit or deny the allegations of paragraph 25 and therefore deny those allegations.
- 26. Plaintiff admits the allegations of paragraph 26 of Kroll's Counterclaims.
- 27. Plaintiff admits the allegations of paragraph 27 of Kroll's Counterclaims.
- 28. Plaintiff admits that venue is proper in this district pursuant to 28 U.S.C. § 1391 (b) and (c).  
Plaintiff denies that the Eastern District of Texas is an inconvenient forum.

**FIRST COUNTERCLAIM FOR RELIEF: NON-INFRINGEMENT**

- 29. Plaintiff admits the allegations of paragraph 29 of Kroll's Counterclaims.
- 30. Plaintiff denies the allegations of paragraph 30 of Kroll's Counterclaims.

**SECOND COUNTERCLAIM FOR RELIEF: INVALIDITY**

- 31. Plaintiff denies the allegations of paragraph 31 of Kroll's Counterclaims.
- 32. Plaintiff denies the allegations of paragraph 32 of Kroll's Counterclaims.

**PRAYER FOR RELIEF**

Wherefore, Plaintiff prays for judgment against Kroll as set forth and requested in its Original Complaint; and in addition:

- A. that judgment be rendered herein against Kroll;
- B. that Kroll's request for a declaratory judgment of non-infringement and invalidity of the '760 patent and for each of its other claims or defenses be denied;
- C. for recovery of Plaintiff's attorneys' fees and costs of this action; and
- D. for such other and further relief as this Court may deem just and proper.

Respectfully submitted,

Date: November 2, 2007

/s/ Edward W. Goldstein

Edward W. Goldstein

Texas Bar No. 08099500

[egoldstein@gfpiplaw.com](mailto:egoldstein@gfpiplaw.com)

Corby R. Vowell

Texas Bar No. 24031621

[cvowell@gfpiplaw.com](mailto:cvowell@gfpiplaw.com)

Califf T. Cooper

Texas Bar No. 24055345

[ccooper@gfpiplaw.com](mailto:ccooper@gfpiplaw.com)

GOLDSTEIN, FAUCETT, & PREBEG L.L.P

1177 West Loop South, Suite 400

Houston, TX 77027

Telephone: (713) 877-1515

Facsimile: (713) 877-1737

*ATTORNEYS FOR PLAINTIFF*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on November 6, 2007. Any other counsel of record will be served by first class U.S. mail.

/s/ Edward W. Goldstein

Edward W. Goldstein